

## Americans with Disabilities Act (ADA)

Reviewed 10/31/22

### Overview:

Under DAI 300.00.35, the Department is committed to assuring fair and equitable treatment of individuals with disabilities who are under its supervision or who seek access to its programs, services, or activities. Under the ADA, discrimination against inmates, juveniles, and offenders with disabilities or other individuals with disabilities is prohibited. Qualified individuals with a disability may not be excluded from participation in or be denied the benefits of DAI services, programs or activities on the basis of their disability. All DAI programs, services and activities, when viewed in their entirety, shall be readily accessible to and useable by individuals with disabilities.

- Upon intake at a DOC facility, inmates shall be advised of their rights to reasonable accommodations to include the method for requesting such accommodation and the procedures for seeking an administrative remedy of a denial or modification of such requested accommodation.
- If staff believe an inmate has an ADA need, the ADA Coordinator shall be notified. If immediate needs warrant an accommodation and the ADA Coordinator is unavailable, a Security Supervisor shall be notified and a DOC-2466 Incident Report shall be completed. Necessary accommodations shall be made until the ADA Coordinator is able to review.
- DOC-2530 Reasonable Modification-Accommodation Request shall be completed by the inmate and forwarded to the institution/center ADA Coordinator.
- If an inmate requests reasonable accommodations:
  - ADA Coordinator will acknowledge receipt of the DOC-2530 and return a copy to the inmate.
  - The facility ADA Coordinator, in collaboration with health services, shall determine if an individual is eligible for an accommodation. In addition, consultation with other areas of the facility including, but not limited to, education, maintenance, psychological services and security, shall ensure the most appropriate accommodation does not pose a threat to the safety and security of other individuals or the facility.
  - A signed authorization by the inmate is not required for an ADA Coordinator to access Protected Health Information (PHI) contained in DOC records such as the Health Care Record and Social Service File when the information directly relates to the ADA request.

- A signed DOC-1163A Authorization for Use and Disclosure of Protected Health Information (PHI) is required for an ADA Coordinator to obtain external health records (i.e. information obtained by community health providers prior to incarceration).
- The ADA Coordinator shall make arrangements with the HSU Manager and/or PSU Supervisor for evaluation by qualified experts (e.g. audiologist, ophthalmologist, etc.) to verify any functional impairment and determine the need for reasonable accommodation. DOC shall obtain a signed DOC-1163A prior to providing a non-DOC evaluator with access to any Protected Health Information (PHI).
- The Security Director/Designee shall review all ADA recommended devices for security concerns.
- The ADA Advisory Committee may be consulted in determining accommodations.
- The ADA Coordinator will implement reasonable accommodations, if approved.

### **Social Worker/Treatment Specialist Responsibilities:**

Ensure inmate is referred to the ADA Coordinator for any ADA needs. If the inmate has a suspected, self-reported and/or documented disability that requires assistance, e.g. hearing impaired, blind, mobility issues, discuss with the ADA Coordinator how to facilitate services to the inmate. Any staff member may assist the inmate if needed in filling out the DOC-2530 Reasonable Modification-Accommodation Request

### **Resources:**

DAI 300.00.35 Americans with Disabilities Act

Executive Directive 17 – Non-Discrimination and Reasonable Accommodations for Inmates, Offenders, Juveniles and Members of the Public Who are Qualified Individuals with Disabilities

DOC-2530 Reasonable Modification-Accommodation Request

DOC-1163A Authorization for Use and Disclosure of Protected Health Information (PHI)  
DOC-2466 Incident Report